

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William Rasenberger	Team: Squad #07	CCRB Case #: 202105446	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 09/06/2021 1:40 AM	Location of Incident: § 87(2)(b)	18 Mo. SOL 3/6/2023	Precinct: 71		
Date/Time CV Reported Mon, 09/06/2021 1:40 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/13/2021 10:48 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT SA Timothy Brovakos	00000	943025	071 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Ryan Selg	28112	967333	071 PCT
2. PO Jason Schreckenstein	01340	956247	071 PCT
3. PO Omar Delarosa	06614	964474	071 PCT
4. PO Mubbashar Zahid	03267	965634	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos stopped individuals.	
B.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos frisked individuals.	
C.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos searched individuals.	
D.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos failed to provide individuals with a business card.	
E.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos failed to explain police actions to individuals.	

Case Summary

On September 6th, 2021, the CCRB received the following complaint by telephone from § 87(2)(b) [BR 1].

On the night of September 5th, 2021, during Labor Day Weekend, § 87(2)(b) and her husband, as well as many acquaintances and friends, went to a block party in Brooklyn, on Carroll Street between Franklin and Washington Avenues. At about 1:35 a.m. on September 6th, four unmarked vehicles travelling in a caravan stopped alongside the party. Approximately twelve members of service, including a male wearing a white shirt – believed to be Lt. Brovakos of the 71st Precinct -- exited the vehicles and approached the partygoers. As the Lieutenant stood by, § 87(2)(b) alleged, the officers stopped every male in the area, none of whom she could identify by name [Allegation A: Abuse of Authority – Stop, § 87(2)(g)]. The officers allegedly searched each of the men's pockets, as well as a backpack one of the men wore [Allegation B: Abuse of Authority – Search, § 87(2)(g); Allegation C: Abuse of Authority – Search of personal property, § 87(2)(g)]. No one was arrested or issued a summons. The officers left without explaining their actions; none of the officers offered RTKA business cards to the men [Allegation D: Abuse of Authority – Failure to Provide RTKA card, § 87(2)(g); Allegation E: Abuse of Authority – Other (Failure to Explain Police Actions), § 87(2)(g)].

The investigation is in possession of two CCTV videos of the incident [BR 2 and 3]. A request for body-worn camera footage yielded negative results.

Findings and Recommendations

Allegation A: Abuse of Authority – Lieutenant Timothy Brovakos stopped individuals.

Allegation B: Abuse of Authority – Lieutenant Timothy Brovakos searched individuals.

Allegation C: Abuse of Authority – Lieutenant Timothy Brovakos searched an individual's personal property.

Allegation D: Abuse of Authority – Lieutenant Timothy Brovakos failed to provide individuals with a business card.

Allegation E: Abuse of Authority – Lieutenant Timothy Brovakos failed to explain police actions to individuals.

On the night of September 5th, 2021, § 87(2)(b) her husband, as well as friends and acquaintances, were at a block party on Carroll Street between Franklin Avenue and Washington Avenue in Brooklyn, celebrating Labor Day Weekend. The partygoers were law-abiding over the night, § 87(2)(b) stated during her CCRB interview [BR 4], and orderly, although a DJ played loud music and some of the partygoers drank alcohol. At about 1:30 a.m. on September 6th, 2021, according to § 87(2)(b) a man double-parked his vehicle in front of § 87(2)(b), then exited and joined the party. Only ten to fifteen people remained on the block at this time. About five minutes later, two unmarked police vehicles, neither of which had their emergency lights or sirens activated, stopped on the block. About ten officers -- including three females and three wearing white shirts, at least two of whom were males -- exited the vehicles and approached the man who had just double parked. After speaking with him for about a minute, the officers searched the man's pockets. Then, § 87(2)(b) believes, one of the white-shirted officers, a male, "gave a signal" or "made a gesture" with his hand.

The officers proceeded to search each of the eight or so males at the party. One of the officers directed § 87(2)(b)'s husband, who had been sitting and speaking with § 87(2)(b) and some friends, to stand up. Once § 87(2)(b)'s husband did so, the officer searched his pockets. (The officer did not remove anything from his pockets.) § 87(2)(b) could not say whether the officer had asked for consent to search. § 87(2)(b) continually asked the officer "what's going on," and requested an explanation for why he was searching her husband, but the officer ignored her. § 87(2)(b) described

him as a white male in his early forties, wearing a navy-blue uniform, standing about 5'8", with a chubby build and black hair.

Two officers approached a young man, who was apparently autistic, and was sitting on a bicycle a few feet away from § 87(2)(b). The officers ordered the man off his bicycle, then removed a bookbag from the man's back. The officers opened and searched the bag as well as the man's pockets. Different officers then searched two other men standing near the man with the bicycle, and a man standing closer to § 87(2)(b) and her husband. About ten minutes after the encounter began one of the white-shirted officers made another hand signal and may also have said something. The officers all then entered their vehicles and drove off. None of the partygoers was issued a summons or otherwise subjected to law enforcement action after the search.

§ 87(2)(b) did not provide the investigation with her husband's name or phone number, nor those of other alleged victims. She did provide the name of a witness, § 87(2)(b). § 87(2)(b)'s testimony to the CCRB [BR 5] was mostly consistent with that of § 87(2)(b). At first under the impression that her male friends were being robbed, she asked one of the officers "what's going on?" One or more of the officers said something to the effect of "we're cops; we're looking for guns." § 87(2)(b) only had a clear recollection of the actions of three to four officers, apparently assigned to a single vehicle. She could not recall whether other officers and vehicles were involved.

Sgt. Herman Lai of the Internal Affairs Bureau conducted a concurrent investigation into the incident and provided his case file to the CCRB via a Chief of Internal Affairs (CHIA) request. The file [BR 6] shows that § 87(2)(b) called 911 to complain about the incident immediately after the officers had left (see page 4). Sgt. Lai traced the phone number from which § 87(2)(b) had called and determined it was registered to § 87(2)(b). § 87(2)(b)'s husband. In a telephone interview with Sgt. Lai (transcribed on page 32 of the IAB file), § 87(2)(b) stated that the involved officers said they were looking only for guns. One of the officers then frisked and searched § 87(2)(b)'s pants pockets. § 87(2)(b) described this officer as a white male, in his late twenties or early thirties, standing about 5'10" and weighing about 190 lbs. On a later date, § 87(2)(b) later told Sgt. Lai that he was highly intoxicated during the incident and could not recall it in any detail. He opted to withdraw his complaint.

The investigation requested various police documents. None of the documents refer to the incident. The investigation's request for body-worn camera footage yielded negative results. Sgt. Lai also was unable to locate any BWC videos of the incident. Through an automatic vehicle locator (AVL) search, however, Sgt. Lai identified three unmarked RMPs that were on scene, all assigned to the 71st Precinct public safety team: (239)16, (610)14, and (449)14. From police documents, Sgt. Lai determined which officers were assigned to these RMPs, including Lieutenant Timothy Brovakos and Officers Ryan Selg, Mubbashar Zahid, Jason Schreckenstein, and Omar Delarosa. Sgt. Lai interviewed just PO Selg, because he was the only officer that matched § 87(2)(b)'s description of the subject officer. As reflected on page 74 of Sgt. Lai's case file, PO Selg stated that he did not recall the incident and had no knowledge of officers stopping anyone at the time and place of occurrence.

The CCRB interviewed Lt. Mario Michel, Lt. Brovakos, PO Delarosa, PO Schreckenstein, and PO Zahid. The investigation concluded that Lt. Michel was not involved. He did not leave the 71st Precinct stationhouse until around 3 a.m., more than an hour after the incident. Also, Lt. Michel was assigned to an overtime detail, on foot, within an area demarcated by Lefferts Avenue, Lincoln Place, Parkside Avenue, and Flatbush Avenue, many blocks away from the incident location. Finally, Lt. Michel is a black male, whereas the only Lieutenant involved in the incident, as seen in the CCTV footage of the incident, has a very light complexion. (This footage is described below.)

The other officers all acknowledged during their interviews [respectively BR 7 – 10] that they did, or most likely did, travel in caravans with other public safety vehicles over the night. Lt. Brovakos stated that he had about a dozen interactions with civilians during his tour. He and his officers would address conditions like persons standing on roadways or publicly consuming

alcohol. Generally, though, his focus was on conditions that “posed a grave danger to the public.” The lieutenant and all the police officers denied any recollection of the incident. All members of service were generally consistent that they worked with different officers at different points in the night. According to PO Delarosa, he and other public safety members also alternated between various unmarked vehicles. Even if the RMP to which a given officer was assigned at the beginning of his tour was on scene during the encounter, PO Delarosa suggested, that would not entail necessarily that the officer was there.

No stop reports or other police documentation were prepared regarding this incident. Sgt. Lai was able to obtain two CCTV videos of the incident, recorded by cameras affixed to § 87(2)(b). Between 01:34:00 and 01:35:50 a.m. in “Front Sidewalk East” [BR 2] there are approximately 10-15 persons on the far side of the street, some standing and some sitting, in front of the P.S. 241 schoolyard. The gathering appears to be orderly. The footage does not show a man double parking his vehicle and then joining the gathering, as § 87(2)(b) described. At 1:35:50, an unmarked sedan comes into view, driving along Carroll Street in the direction of Washington Avenue. Two other sedans follow closely behind. Multiple officers exit from each vehicle and, at about 01:36:10, approach some of the partygoers. At 01:36:17, three yellow boxes can be seen overlaid on the frame. The box furthest to the right partially encloses a male officer, with a light complexion, wearing a white shirt. This is Lt. Brovakos, the investigation has concluded for multiple reasons. Lt. Brovakos was undisputedly assigned to RMP 610, one of the three vehicles Sgt. Lai identified, and was the special operations Lieutenant, overseeing public safety, during his tour. The only other white-shirted officers (Lieutenants and above) on duty in the 71st Precinct at the time were Lt. Michel – who was uninvolved, as stated above -- and Lt. Melissa Clark, a female.

In contrast with § 87(2)(b)'s testimony, Lt. Brovakos is apparently the only white-shirted member on scene. And none of the officers appear to be females. As the lieutenant stands near the edge of the curb, officers in the top, approximate middle of the frame appear to interact with civilians. Some officers shine their flashlights. It is not clear whether the officers are taking enforcement action. At 1:36:25, however, officers in the top left of the frame, on the far side of a white SUV, may stop a man. The man is seen standing up from a sitting position, then raising his arms in the air. The investigation could not determine whether this is § 87(2)(b)'s husband. The officer to the left of the man (from the perspective of the viewer) hunches down and makes movements that may be consistent with frisking or searching him. One or both officers illuminate the man with their flashlights. At 01:36:44, the man turns around, so that his back is to the officers. It is unclear what the officers do next. Officers further to the left of the frame are seen intermittently shining their flashlights. The footage does not otherwise show what they are doing.

The second video, “Front Sidewalk West” [BR 3] shows that a fourth RMP was involved, just out of frame in “Front Sidewalk East.” This vehicle comes to a stop at 01:36:06. A second later, as the officers exit, a man on the far sidewalk moves forward on his bicycle, slowly. At 01:36:16 an officer approaches the man. (The interaction captured in Front Sidewalk East, in which officers may have searched a man, can be seen in the right of the frame.) Two other officers join within seconds. All the officers walk away from the man by about 1:37:10. The video does not clearly capture what actions the officers took, including whether they stopped or searched the man on the bike, or his backpack. A marked NYPD van can be seen in the left of the frame, near the intersection of Carroll Street and Washington Avenue. § 87(2)(b) stated that she talked to officers inside the vehicle shortly after the incident. They told her they were unaware of what happened.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party [BR 11].
- Lt. Brovakos has been a member of service for fifteen years, over which time he has been the subject of thirty – seven complaints and one hundred and fifty allegations, seventeen of which have been substantiated. § 87(2)(g)

- Case 201500206 involved a substantiated allegation of vehicle search. The board recommended command discipline B, and the NYPD imposed formalized training.
- Case 201905132 involved a substantiated allegation of discourtesy (word). The board recommended command level instructions. The NYPD concurred.
- Case 201910398 involved substantiated allegations of failure to provide RTKA card and discourtesy (word). The board recommended command discipline A. The NYPD imposed no penalty. § 87(4-b) § 87(2)(g)

- Case 202003306 involved a substantiated allegation of seizure of property. The board recommended command discipline A. The NYPD has not yet imposed a penalty.
- Case 202007423 involved substantiated allegations of failure to provide RTKA card. The board recommended command discipline B. The NYPD has not yet imposed a penalty.
- Case 202007569 involved substantiated allegations of failure to provide RTKA card. The board recommended command discipline B. The NYPD has not yet imposed discipline.
- Case 202100053 involved substantiated allegations of failure to provide RTKA card, stop, frisk, and threat of arrest. The board recommended charges. The NYPD has not yet imposed a penalty.
- Case 202100965 involved allegations of failure to provide RTKA card, seizure of property, and discourtesy (word). The board recommended charges. The NYPD has not yet imposed a penalty.
- Case 202102785 – *and all cases hereafter* -- remain under investigation to date. It involves the following allegations: seizure of property, vehicle search, vehicle stop; § 87(4-b) § 87(2)(g)

- Case 202103249 involves allegations of threat of arrest, threat to notify ACS, and vehicle stop.
- Case 202103599 involves allegations of failure to provide RTKA card, frisk, sexual misconduct – inappropriate touching, threat of arrest, vehicle stop. § 87(4-b) § 87(2)(g)
- Case 202103919 involves allegations of frisk (x 2), stop (x 2), strip search, and failure to provide RTKA card
- Case 202104113 involves allegations of failure to provide RTKA card (x 2), frisk (x 2), § 87(2)(g) search, threat of arrest (x 2), § 87(2)(g) vehicle stop, and discourtesy
- Case 202104788 involves allegations of search, threat of arrest, vehicle search, discourtesy – word (x 2). § 87(2)(g)
- Case 202105350 involves an allegation of frisk.

- Case 202107559 involves allegations of vehicle stop and physical force.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation at the time of filing.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- There are no notices of claim related to this incident [BR 13].

Squad: 7

Investigator:	<u>Will Rasenberger</u> Signature	<u>Inv. Will Rasenberger</u> Print Title & Name	<u>07/18/2022</u> Date
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	<u>Manager Vanessa Rosen</u>	<u>July 20, 2022</u>
Squad Leader:	<u>Signature</u>	<u>Print Title & Name</u> Date

Reviewer:	<u>Signature</u>	<u>Print Title & Name</u>	<u>Date</u>
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